

**Resolution Agreement
Carter County Schools
OCR Docket Number 03161241**

In order to resolve the allegations in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation, at 34 C.F.R. Part 104, and the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation, at 28 C.F.R. Part 35, the Carter County Schools (the District) commits to implement the provisions set forth in this Resolution Agreement (Agreement).

The District voluntarily makes the following commitments to OCR:

Memorandum

1. The District acknowledges that, pursuant to the Section 504 regulation, at 34 C.F.R. § 104.4(a) as well as Title II, at 28 C.F.R. §35.130(a), no qualified individual shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives Federal financial assistance. prohibits the same form of discrimination by public entities.
2. By January 15, 2017, the District will distribute a memorandum (this memorandum can be sent electronically) to all faculty, staff, and administrators reminding them of the above obligations Section 504 and Title II quoting the language as set forth above.

Reporting Requirement: By January 30, 2017, the District will provide OCR with documentation demonstrating that it distributed the memorandum referenced in Commitment #2 above, including the list of personnel, with name and title, who received the memorandum and the District's method of distribution, for OCR's review and approval.

Revised Grievance Procedures

3. By February 28, 2017, the District will submit for OCR's review and approval its Section 504 grievance procedures to ensure they incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any prohibited actions under Section 504, in accordance with 34 C.F.R. § 104.7(b) and Title II, at 28 C.F.R §35.107(b). As part of this process, the District will review and revise, as necessary, all complaint procedures that can be used for filing disability discrimination complaints to ensure that there is a clear and consistent process. The District's Section 504/Title II grievance procedures will contain, at a minimum, the following elements:
 - a. notice to students, parents, and employees of the procedure, including how and where to file a complaint;
 - b. application of the procedure to complaints alleging disability discrimination carried out by students, employees, or third parties;

- c. adequate, reliable, and impartial investigation, including the opportunity to present witnesses and other evidence;
 - d. designated and reasonably prompt timeframes for the major stages of the complaint process;
 - e. notice to the parties of the outcome of the complaint, and the basis for the decision; and
 - f. an assurance that the District will take steps to prevent the recurrence of any prohibited actions and to correct its discriminatory effects on the complainant and others, if appropriate.
4. Within 90 calendar days of written approval from OCR that the District's Section 504/Title II grievance procedures are consistent with the requirements in Section 504 and Title II, the District will adopt and implement the procedures and will provide all students, parents/guardians and employees with written notice regarding the new procedures for addressing and resolving complaints alleging disability discrimination together with information on how to obtain a copy of the procedures. The District, at a minimum, will make this notification through its website, electronic mail messages to employees and students, and any regularly issued newsletters (in print or online), as well as by any other additional means of notification the District deems effective to ensure that the information is widely disseminated.

Reporting Requirements: By February 28, 2017, the District will provide OCR with a copy of its proposed Section 504 grievance procedures, pursuant to Commitment #3, above. Within 45 calendar days after OCR's approval of the Section 504 grievance procedures, the District will provide OCR with documentation that it has implemented the procedures, including copies of the written notices issued to students and employees regarding the new Section 504 procedures and a description of how the notices were distributed; copies of its revised student and employee handbooks and any other publications where these procedures are published; and a link to its webpage where the revised Section 504 procedures are located.

XXXXXX

XXX – paragraphs redacted – XXX

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. at 34 C.F.R. §§ 104.4(a) and 104.7(b), and Title II, at 28 C.F.R. §§ 35.107(b) and 35.130(a), which were at issue in this case.

The District understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the recipient has fulfilled the terms of the Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4(a) and

104.7(b), and Title II, at 28 C.F.R. §§ 35.107(b) and 35.130(a), which were at issue in this case.

The District further understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9 and 100.10) or judicial proceeding to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/

1/9/17

Superintendent or Designee

Date